

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

561J0544

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1292 - 02/09/2004**

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Van Norman, Bartling, Bradford, Burg, Elliott, Engels, Gassman, Gillespie, Glenski, Hanson, Hargens, Hundstad, Kroger, Lange, McCoy, Nesselhuf, Olson (Mel), Peterson (Jim), Rounds, Sigdestad, Thompson, and Valandra and Senators LaPointe, Abdallah, Brown, de Hueck, Dempster, Dennert, Greenfield, Kleven, Kloucek, Koetzle, Kooistra, Moore, Nachtigal, and Symens

1 FOR AN ACT ENTITLED, An Act to provide for the rescission of a person's privilege to refuse  
2 to submit to the withdrawal of blood or urine for driving so as to endanger the life of a child  
3 and to provide for a separate misdemeanor penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. If any person is arrested for a violation of § 32-23-1 and if the arresting officer  
6 has probable cause to believe that the driver's conduct directly endangered the life of any child  
7 under the age of thirteen in the driver's motor vehicle, the arresting officer shall request and the  
8 arrested driver shall submit to a withdrawal of blood or urine to determine the presence and  
9 concentration of alcohol or other drugs or substances.

10 Section 2. Nothing in section 1 of this Act restricts the right of any person to an independent  
11 chemical analysis pursuant to subdivision 32-23-10(3).

12 Section 3. No person may operate any motor vehicle either while driving under the influence



- 1 if a child under the age of thirteen is present in the driver's vehicle.
- 2 A violation of this section is a separate Class 1 misdemeanor.